

**GOVERNOR'S COMMITTEE FOR THE PURCHASE OF  
COMMODITIES AND SERVICES FROM THE HANDICAPPED  
Grievance Hearing  
October 1, 2007**

The meeting was called to order by Chairperson Penney Hall at 1:00 p.m., October 1, 2007 at the F. Ray Power Building, located at the West Virginia Division of Rehabilitation Services' office in Institute, West Virginia.

**ATTENDANCE:**

Committee: Penney Hall (Chairperson); Brenda Morford; Pete Cuffaro; John Liller; Everette Sullivan; Jan Smith; Ron Price, Executive Secretary; Carol Jarrett, Recording Secretary.

Public Attendance: Robert McCoy, Seneca Designs  
Tim Morris, Pretera Center  
Mark Adams, Goodwill Industries, KYOWVA

**Seneca Designs, Randolph County Sheltered Workshop**

Ms. Hall said the purpose of today's meeting is to hear from Robert (Bob) McCoy, Executive Director with Seneca Designs, Randolph County Sheltered Workshop.

Mr. McCoy stated he had filed a grievance in regards to the Committee recommendation to Ms. Lovely that she appoint the Department of Administration to administer the State Use Program.

His first grievance was in regards to the votes cast by Chair on two motions:

- 1) Mr. Sullivan moved to table the discussions on the report until the next meeting. The chair voted against the motion.
- 2) Mr. Cuffaro's original motion was to approve the Public Works report that the State Use Program be taken over by Department of Administration. It passed by four-two margin. Again the Chair voted, this time in the affirmative.

He said he had received a written response from Ms. Hall in regards to her casting votes. The response listed Roberts Rule when a Chair may cast a vote.

Three instances:

- 1) if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail;
- 2) if there is one more in the affirmative than in the negative, the president can create a tie by voting in the negative to cause the motion to fail; or,

3) if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds.

He said none of these applied and said it was an illegal vote.

He said the second motion to recommend to the Director of DRS a new CNA be appointed was totally illegal and should be null and void. He said the Committee has no legal standing as to who the DRS Director appoints as the CNA.

He said based on those two facts, 1) the chair voted when she should not have and 2) the Committee voting to appoint a new CNA, the second vote was totally illegal and should be discarded.

Mr. McCoy said he received a letter from Ms. Hall in August when she told me to state the exact nature of my complaint. On September 20<sup>th</sup> she informed me that my grievance would be heard.

He said he felt strongly that this Committee has drifted far a field of its mandate. Further, he said he though because of the actions of this Committee there is an attempt to run the program and to discredit WVARF.

He said Ms. Hall requested what he would consider a resolution to the issue. He would like to see the voluntary resignation of the Chair. Given the nature of the Public Works Report and how that was handled. He would like to see a letter from the Department of Administration stating that they will cease from interfering with the Committee. He said a unanimous vote by the Committee to increase the fee to 4.9% was blocked by Department of Administration. Also, in October 2006 the Committee voted to send a letter to David Tinchler regarding Laundry Contract. Mr. McCoy said he raised the issue with Penney Hall and she informed him she had talked with the members and it was necessary not to send the letter. There has never been a vote by this Committee to rescind the motion. The letter was to have been sent to Purchasing and it has never occurred. It is inappropriate to discuss information outside of the public view.

Mr. McCoy said one last resolution he wanted was for the fee for the Fairmont State University contract go back to 4.1%. Ms. Hall asked Mr. McCoy to stick with what his grievance was about and the Fairmont State University contract was not part of the July 19 issue.

Mr. McCoy said Ms. Hall sent a letter dated August 1, 2007 to all CRPs informing them what would happen when Department of Administration would take over the SUP, not if. Again, this shows the clear intent of the chair and the Department of Administration in regards to this program.

Mr. Sullivan said he had a comment in regards to Mr. McCoy's September 10 letter. In the letter Mr. McCoy indicated that Mr. Sullivan's vote was pre-arranged because he talked with his boss. Mr. Sullivan said he talk's things over with the labor movement,

and has a right to do that. He resents the fact that Mr. McCoy said he was instructed by his boss on how to vote.

Ms. Morford said she represents DRS and like Mr. Sullivan talks to her boss about issues she knows are coming before the committee. Ms. Smith said she agreed with Mr. Sullivan and Ms. Morford that those individuals representing other entities need to discuss issues with them.

Mr. McCoy told Mr. Sullivan he in no way was making a personal attack on him. However, there was no indication on the agenda there would be a vote on the Public Works report. Ms. Morford said the agenda never shows when something is up for vote. Everyone understands when something is on the agenda it can be voted on.

Mr. McCoy thanked the Committee for hearing his grievance.

#### **The Committee went into Executive Session**

##### **Open Session**

##### **MOTION:**

**Mr. Liller moved to send a letter to Mr. McCoy outlining the reasons why his grievance was being denied. Mr. Sullivan seconded. Motion passed. Ms. Morford abstained.**

#### **Goodwill Industries of KYOWVA, Huntington, WV**

Ms. Said the second grievance before the Committee is from Kimberly Lewis, Executive Director, Goodwill Industries of KYOWVA.

Mark Adams, Director of Contracts for Goodwill Industries is representing Ms. Lewis before the Committee.

Mr. Adams restated the two issues Ms. Lewis had addressed in her July 20 and August 27 letters.

In addition, Mr. Adams stated he works every day with people with disabilities in West Virginia. He is concerned if an out-of-state company receives the contract to perform the functions of the CNA

#### **The Committee went into Executive Session**

##### **Open Session**

##### **MOTION:**

**Mr. Sullivan moved that the Committee denied the grievance and a letter will be forth coming as to the reasons why. Mr. Liller seconded. Motion passed. Ms. Morford abstained.**